

REMARKS

By the present amendment, Applicant has amended Claims 1 and 9, canceled Claims 8 and 15, and added Claim 16. Claims 1-7, 9-14 and 16 remain pending in the present application. Claims 1, 9 and 16 are independent claims.

Applicant appreciates the courtesies extended to Applicant's representative during the personal interview held August 15, 2006. The present response summarizes the understandings reached and substance of the interview. At the interview, the proposed amendments to claims 1 and 9 were set forth. Arguments were advanced that the rejection based upon Johnson (hereinafter "Johnson") in view of Gregg et al (hereinafter "Gregg") under 35 U.S.C. 103(a) was not proper. The Examiner indicated that she would consider these arguments upon the filing of the formal amendment.

In the recent Office Action the Examiner rejected Claims 1, 4-7, 9 and 12-14 under 35 U.S.C. § 103(a) as being unpatentable over Johnson (U.S. Patent No. 5,571,596). Claims 2, 3, 10 and 11 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Johnson in view of Pike (U.S. Patent No. 5,533,313). Claims 8 and 15 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Johnson in view of Greg (U.S. 6,787,486).

Applicant has amended independent Claims 1 and 9 to incorporate the subject matter of Claims 8 and 15, respectively. New Claim 16 more particularly defines Applicant's lightweight roof slate as comprising "a generally rectangular roof slate made from autoclaved aerated concrete and having the dimensions of up to 18 inches by 12 inches

by 1 inch and weighing less than 4.8 pounds.” Applicant will advance arguments hereinbelow to illustrate the manner in which the presently claimed invention is patentably distinguishable from the cited and applied prior art. Reconsideration of the present application is respectfully requested.

With regard to the rejection of original Claims 8 and 15 (now incorporated into Claims 1 and 9, respectively) as being unpatentable over Johnson in view of Gregg. The Examiner stated that

“Johnson discloses a concrete slate but lacks that of aerated autoclaved type as disclosed by Gregg et al. It would have been obvious to one of ordinary skill in the art to modify Johnson to employ this type of concrete because this type of concrete has good strength, low weight, good thermal insulation properties, good sound deadening properties and high resistance to fire...”

Contrary to the Examiner’s statement, Johnson states in the background of the invention that concrete shingles can withstand hail and wind damage if made thick and heavy enough but the installed roof would require additional underlying structural support and be very costly. It is because of these shortcomings in concrete that Johnson’s disclosure is directed away from concrete and is focused on the non-cementitious, composite laminate using materials such as Kevlar, E-glass and carbon fibers. The Gregg reference is directed to a backerboard sheet including an aerated concrete core. The Gregg reference does not teach or suggest the use of autoclaved aerated concrete in a roof slate or shingle. Gregg’s disclosure is specifically directed to wallboards, panels and building blocks, and has a

weight of at least 60 pounds (column 2, lines 19-59 and column 4, lines 28-35). Therefore, it would not have been obvious to incorporate Gregg's teachings of an aerated concrete wallboard into Johnson's fiber composite roof shingle. Nor would it have been obvious to utilize Gregg's teaching of an aerated concrete wallboard to modify Johnson's brief description of a concrete shingle that is too heavy to use. Withdrawal of the obviousness rejection is respectfully requested.

New Claim 16 is directed specifically to the lightweight roofing slate made from autoclaved aerated concrete and having the dimensions of a roofing slate, as opposed to other construction uses of the aerated concrete. The cited prior art of record does neither disclose nor suggest this claimed roofing slate.

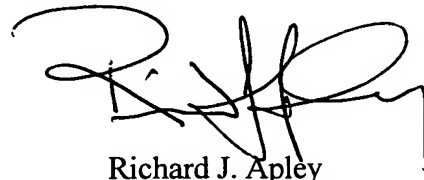
Applicant contends that one skilled in the art would not be motivated or guided by the prior art to combine the patents to Johnson and Gregg in the manner suggested by the Examiner. Moreover, Applicant further contends that even if the references were properly combinable, the above noted deficiencies of the primary reference are not remedied by the teachings afforded by the secondary reference. Thus, one of ordinary skill in the art without the benefit of Applicant's own disclosure would not be capable of arriving at the presently claimed invention in light of the realistic teachings afforded by the applied references. For at least these reasons, Applicant respectfully submits that Claims 1-7, 9-14 and 16 are allowable over the prior art of record.

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For the foregoing reasons, Applicant respectfully submits that the present application is in condition for allowance. If such is not the case, the Examiner is requested to kindly contact the undersigned in an effort to satisfactorily conclude the prosecution of this application.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read 'R. Apley', with a stylized flourish at the end.

Richard J. Apley
Litman Law Offices, Ltd.
Registration No. 51,316
(703) 486-1000

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